



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/976,967	10/12/2001	James R. Mault	MJA-23702/03

CONFIRMATION NO. 2958

FORMALITIES LETTER



\*OC000000007077776\*

GIFFORD, KRASS, GROH, SPRINKLE,  
ANDERSON & CITKOWSKI, P.C.  
Suite 400  
280 N. Old Woodward  
Birmingham, MI 48009

Date Mailed: 11/15/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

03/18/2002 MBERHE 00000057 09976967

01 FC:105

130.00 DP

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.  
MJA-23702/03

In Re Application Of: James R. Mault et al

Serial No.

09/976,967

Filing Date

October 12, 2001

Examiner

Group Art Unit

2166

Invention: **SYSTEM AND METHOD OF INTEGRATED CALORIE MANAGEMENT**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on  
November 15, 2001

Date

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☒ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☐ A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.

☒ Other (list):

Petition for Extension of time and associated fee (400.00)

Notice to File Missing Parts and associated fee (130.00)

Petition for filing application by other than all the inventors and associated fee (130.00)

Assignment of Rights, Title and Interest in Invention (Exhibit A)

Copies of Letter to Sanderson enclosing Declaration for Signature-Feb. 12th letter (Exhibit B)

Copies of Certified Mail, Return Receipt Requested forwarded to John Sanderson-March 1st letter  
and Return Receipt For Correspondence signed by John Sanderson (Exhibit C)

Declaration of Mark D. Schneider regarding non Signing Inventor (Exhibit D)

Copy of Declaration and Power of Attorney bearing signature of James R. Mault and Nicholas Anderson  
and Rob Pledger (Exhibit E)

03/18/2002 MBERHE 00000057 09976967

03 FC:116

400.00 DP

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.  
**MJA-23702/03**

In Re Application Of: **James R. Mault et al**

Serial No.  
09/976,967

**Filing Date**  
**October 12, 2001**

Examiner

**Group Art Unit**  
**2166**

**Invention: SYSTEM AND METHOD OF INTEGRATED CALORIE MANAGEMENT**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

### Box Missing Parts

☒ Completion of application fees as calculated below:

☐ Utility application filing fee☐ Design application filing fee

☐ Total number of independent claims =

☐ Total number of claims =

- ☐ Multiple dependent claims

<input checked="" type="checkbox"/> Surcharge for late payment of filing fee and/or late filing of original declaration or oath	<b>\$130.00</b>
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<input checked="" type="checkbox"/> Petition and fee for filing by other than all the inventors or a person not the inventor	<b>\$130.00</b>
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☐ Fee for processing an application filed with a non-English language specification

☐ Fee for processing and retention of application

Total completion of application fees	<b>\$260.00</b>
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This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month    ☒ Two months    ☐ Three months    ☐ Four months    ☐ Five months

from: January 15, 2002  
Date

until: March 15, 2002  
Date

Total time extension fees	\$400.00
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**Total fees due \$660.00**

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Large Entity)**

Docket No.  
**MJA-23702/03**

In Re Application Of: **James R. Mault et al**

Serial No.  
**09/976,967**

Filing Date  
**October 12, 2001**

Examiner

Group Art Unit  
**2166**

Invention: **SYSTEM AND METHOD OF INTEGRATED CALORIE MANAGEMENT**

**TO THE ASSISTANT COMMISSIONER FOR PATENTS:**

**Box Missing Parts**

The fee of **\$660.00** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **07-1180**  
A duplicate copy of this sheet is enclosed.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **07-1180**  
A duplicate copy of this sheet is enclosed.

  
*Signature*

Dated: **March 12, 2002**

**Mark D. Schneider, Reg. No. 43,906  
Gifford, Krass, Groh, Sprinkle, Anderson  
& Citkowski, P.C.  
280 North Old Woodward  
Suite 400  
Birmingham, MI 48009  
(248) 647-6000**

exp.

I certify that this document and fee is being deposited on  
3-12-2002 with the U.S. Postal Service as first  
class mail under 37 C.F.R. 1.8 and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C.  
20231. **Label EV 06399588545**

  
*Signature of Person Mailing Correspondence*

**Judith T. Lange**

*Typed or Printed Name of Person Mailing Correspondence*

CC:

LAW OFFICES

**GIFFORD, KRASS, GROH, SPRINKLE,  
ANDERSON & CITKOWSKI, P.C.**

PATENT, TRADEMARK AND COPYRIGHT PRACTICE

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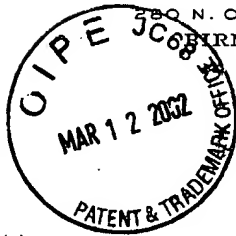
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(941) 488-4245  
FACSIMILE (941) 484-5258

ALSO ADMITTED IN:  
(1) WISCONSIN  
(2) OHIO  
(3) FLORIDA  
(4) NEW YORK

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ALLEN M. KRASS  
IRVIN L. GROH (1,2)  
DOUGLAS W. SPRINKLE  
THOMAS E. ANDERSON (3)  
RONALD W. CITKOWSKI  
JUDITH M. RILEY  
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MARK D. SCHNEIDER  
BEVERLY M. BUNTING  
OF COUNSEL  
ROBERTA J. MORRIS, PH.D. (4)

PATENT AGENT  
MARTIN S. BANCROFT, PH.D.

TECHNICAL CONSULTANTS  
JULIE K. STAPLE, PH.D.  
LIONEL D. ANDERSON



February 12, 2002

Our Files: MJA-22280/03 and MJA-23702/03

Dr. John Sanderson  
11832 Sunrise Drive  
Bainbridge, Washington 98110

**Via Certified Mail  
Return Receipt Requested**

**Re: U.S. Patent Application Serial No. 09/949,244  
for "Image Based Diet Logging"**

**U.S. Patent Application Serial No. 09/976,967  
for "System and Method of Integrated Calorie Management"**

Dear Dr. Sanderson:

This firm represents HealtheTech, Inc. in its intellectual property matters. On October 23, 2001, we sent you letters forwarding copies of the above-identified applications (specification, claims and drawings) as well as a Declaration with Power of Attorney and Assignment for each application and requesting that you sign and date the application documents and return them to our office. Enclosed are copies of those letters and their enclosures.

In a follow-up phone conversation, you indicated that you were not sure whether you were going to sign the documents and would be speaking with your attorney this week.

If we do not receive the executed Declarations with Power of Attorney and Assignments for these applications by March 1, 2002, we will assume that you are not going to join in on these applications as a joint inventor by signing these documents and will take the necessary action to preserve our client's rights.

Please do not hesitate to contact me if you have any questions in regard to this matter.

Very truly yours,

Allen M. Krass

/tlt  
Enclosures

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dr. John Sanderson  
9 Islandview  
Irvine, CA 92604-3601

2. Article Number

(Transfer from service label)

MJA 22280/03 & MJA 23702/03  
70012510 0002 10/10 0464

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

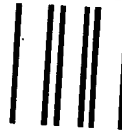
3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail  
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RECEIVED

MAR 07 2002

GIFFORD, KRASS, GROH, SPRINKLE,  
ANDERSON & CITKOWSKI, P.C.

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31

